THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2761 OF 2006

Dated: 20-02-2006

Between

G. Srinivas, S/o. Venkateswar Rao,

R/o.10-12-289/56, Shantinagar,

Masabtank, Hyderabad.

...PETITIONER

AND

Hyderabad Urban Development

Authority, Rep. by its Vice-Chairman,

1-8-323, Paigah Palace, Rasoolpura,

Police Lines, Secunderabad.

...RESPONDENT

ORDER:

Learned counsel for the petitioner submits that in the auction conducted by the respondent – HUDA on 07.02.2004 notifying the sale of Plot Nos.1 and 8 of Asif Nagar (new layout), Hyderabad, petitioner participated and became the highest bidder in respect of Plot No.1 admeasuring 2021.38 Sq. yards with a bid of Rs.2,56,71,526/- at the rate of Rs.12,000/- per sq. yard and had to pay a sum of Rs.64,17,882/- towards initial deposit amount within a week and also in respect of Plot No.8 admeasuring 821.47 Sq. yards for Rs.1,26,09,565/- at the rate of Rs.15,350/- per Sq. yard and had to pay a sum of Rs.31,52,391/- within a week and EMD of Rs.2,00,000/- in respect of each plot. The balance initial deposit of 1/4th could not be paid within one week taking the objection that, in fact, in the site plan the road width in

front of said plots on the eastern side was shown as 60 feet but on measurement the road width was only 36 feet. Therefore, the initial deposit and balance sale consideration was not paid. However, the bids were cancelled by impugned notice dated 17.04.2004 forfeiting the EMD amounts. The learned counsel further submits that this year also the respondents have notified the said plots for auction.

Perusal of the brochure shows that abutting to plot No.8 there is 60 feet wide road towards the east and 40 feet wide road towards north. There is no dispute with regard to the 40 feet road existing towards the north but it is stated that the road on the eastern side of the plot No.8 shown as 60 feet wide is not existing instead there is 36 feet wide road towards the north.

Learned counsel for the petitioner further submits that a Science Society exists in front of the plot no.8 projecting towards the road occupying an extent of 24 feet. He further submits that the petitioner is very much interested in the said plot and the respondent being a statutory authority cannot come with inaccurate brochures showing
60 feet wide road, which is not existing.

Having regard to the facts and circumstances of the case,
the respondent is directed to measure the existing roads and announce the same well in advance or on the date of auction to the intending bidders about the actual width of the existing roads of the site.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 20, 2006
DSK